

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

JANE DOE, on behalf of herself and her minor
child J.C. and all others similarly situated,

Plaintiff,

v.

RADIOLOGY ASSOCIATES OF RICHMOND,
INC.,

Defendant.

No. 3:25-cv-523

**PLAINTIFF JANE DOE’S MEMORANDUM IN SUPPORT OF HER MOTION
FOR PERMISSION TO PROCEED UNDER PSEUDONYM**

Plaintiff Jane Doe, individually, by and through counsel, respectfully moves the Court to proceed under a pseudonym, stating as follows:

1. This case arises from the disclosure of Plaintiff’s minor child’s personal and private matters, namely her personally identifying information (“PII”) and protected health information (“PHI”) (collectively “Private Information”). As a result, this litigation involves the filing and disclosure of Plaintiff’s minor child’s name, date of birth, medical information, and health insurance information.

2. Due to the sensitive nature of her child’s Private Information, including protected health information, Plaintiff Jane Doe requests permission to proceed under a pseudonym to protect her and her child’s identity and medical information from further public disclosure.

3. Plaintiff also moves the Court to order Defendant to maintain the confidentiality of her and her child’s identity by using only pseudonyms in all of their filings, including exhibits in which their names appear.

4. Fed. R. Civ. P. 26(c)(1) specifically authorizes the Court “for good cause” to “issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense” upon Plaintiff’s motion.

5. In the Fourth Circuit, a party may be afforded the protection of anonymity if that party meets the five-part test set forth in *James v. Jacobson*, 6 F.3d 233, 238 (4th Cir. 1993). This test evaluates:

(1) whether the justification asserted by the requesting party is merely to avoid the annoyance and criticism that may attend any litigation or is to preserve privacy in a matter of sensitive and highly personal nature; (2) whether identification poses a risk of retaliatory physical or mental harm to the requesting party or even more critically, to innocent non-parties; (3) the ages of the persons whose privacy interests are sought to be protected; (4) whether the action is against a governmental or private party; and (5) the risk of unfairness to the opposing party from allowing an action against it to proceed anonymously.

Id.

6. Here, most factors weigh in favor of allowing Plaintiff to proceed pseudonymously and entering an order that all parties use Plaintiff’s pseudonyms in all documents.

7. First, as aforementioned, this case involves the unauthorized disclosure of Plaintiff’s minor child’s highly sensitive Private Information, which was disclosed in confidence as a patient to Defendant. This weighs in favor of permitting anonymity. *Doe v. Cabell Huntington Hosp., Inc.*, No. 3:23-0437, 2023 U.S. Dist. LEXIS 218946, at *5 (S.D. W. Va. Dec. 8, 2023) (finding that where the plaintiff alleged that the medical information at issue in the lawsuit was “highly personal and sensitive,” the first factor weighed “heavily in favor of permitting anonymity”).

8. Second, as this case involves Plaintiff’s minor child’s medical information, disclosure of Plaintiff’s identity to the public would potentially expose the identity of Plaintiff’s

child and revictimize J.C., who has already alleged suffering mental harm and emotional distress as a result of Defendant's exposure of her Private Information. There is also the potential for embarrassment given the nature of the Complaint regarding the health, treatment, diagnoses, and treatment sought by Plaintiff's child, J.C. *Doe v. Univ. of Md. Med. Sys. Corp.*, No. 1:23-cv-03318-JRR, 2024 U.S. Dist. LEXIS 66982, at *6 (D. Md. Apr. 12, 2024) (plaintiff was permitted to proceed under pseudonym where "public disclosure of her identity and diagnoses will 'cause further mental harm.'") Thus, denying Plaintiff's motion would expose J.C.'s private medical conditions in order to proceed with her suit.

9. Third, this motion seeks to protect the identity of J.C., a minor child under 18 years old. Courts have allowed plaintiffs to proceed under pseudonyms to protect minors. *Doe v. Univ. of Md. Med. Sys. Corp.*, No. 1:23-cv-03318-JRR, 2024 U.S. Dist. LEXIS 66982, at *7-8 (D. Md. Apr. 12, 2024) (finding that the third factor weighed against permitting the plaintiff to proceed by pseudonym where he was not a minor); *Doe v. Sidar*, 93 F.4th 241, 248 (4th Cir. 2024) ("[F]ictitious names are often allowed when necessary to protect the privacy of children . . .").

12. Finally, allowing Plaintiff to proceed under a pseudonym would not prejudice Defendant or hinder Defendant's ability to prepare an adequate defense. *Doe v. Univ. of Md. Med. Sys. Corp.*, No. 1:23-cv-03318-JRR, 2024 U.S. Dist. LEXIS 66982, at *9 (D. Md. Apr. 12, 2024) (where Defendants are "fully capable of investigating and responding to her allegation," there is no risk that allowing Plaintiff to proceed by pseudonym will prejudice Defendants' defense.)

13. The above privacy interests in protecting Plaintiff Jane Doe's and her child's identity from being publicly released, including the highly personal medical information implicated by this action and the desire to prevent this protected medical information from being further publicized, override the right of public access. Plaintiff therefore seeks an order requesting

permission to proceed under a pseudonym to protect her identity from public disclosure.

14. Plaintiff Jane Doe also moves the Court to order Defendant to maintain the confidentiality of her identity by using only pseudonyms in all of its filings, including all exhibits in which her name appears.

15. A Proposed Order for the Court's consideration is attached to this Motion.

Dated: July 9, 2025

Respectfully submitted,

By: /s/ Lee A. Floyd

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** (Pro Hac Vice forthcoming)*

*Attorneys for Plaintiff and
the Proposed Class*

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of July, 2025, the foregoing was electronically filed with the Clerk of Court using CM/ECF system, which provides an electronic copy to all counsel of record.

/s/ Lee A. Floyd
Lee A. Floyd